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Honorable Klint Kesto  
House of Representatives  
S-888 House Office Building  
Lansing, MI 48933

Dear Representative Kesto,

Several Michigan criminal statutes provide enhanced penalties for repeat offenders of the same crime. Michigan's Receiving, Concealing Stolen Property ("RCSP") statute (MCL 750.535) is divided into five classes.

Charge	Penalty
RCSP Less than \$200*	93 Days
RCSP \$200 or More and Less than \$1,000	1 Year
RCSP \$1,000 or More and Less than \$20,000	5 Years
RCSP \$20,000 or More	10 Years
RCSP Motor Vehicle	5 Years

Under existing law, if someone is charged with RCSP and has prior conviction(s) for RCSP, the penalty for the current charge is increased or enhanced as follows:

Charge	One Prior RCSP Conviction	Two Prior RCSP Convictions	Three or More Prior RCSP Convictions
RCSP \$200 or More but Less than \$1,000	1 Year	5 Years	5 Years
RCSP \$1,000 or More but Less than \$20,000	5 Years	5 Years	10 Years
RCSP Motor Vehicle	5 Years	5 Years	5 Years
RCSP \$20,000 or More	10 Years	10 Years	10 Years

\*For purposes of this memorandum, the charge of RCSP less than \$200 is not considered because it would rarely be at issue if the item stolen is a motor vehicle and unnecessarily complicates the issue addressed.

The RCSP statute was amended to make RCSP Motor Vehicle a five year felony, regardless of the vehicle's value. However, the amendment does not enhance the penalty regardless of the number of prior RCSP convictions. Therefore, someone with two or more prior RCSP convictions may receive a lesser sentence if charged with RCSP Motor Vehicle versus RCSP \$1,000 to \$20,000.

**EXAMPLE:**

Defendant is arrested for possessing a stolen motor vehicle with a value of \$1,000 or more, but less than \$20,000. Defendant has two prior convictions for RCSP. If Defendant is charged with RCSP \$1,000 to \$20,000, defendant faces a 10 year felony. If, however, defendant is charged with RCSP-MV he faces only a 5 year felony.

The problem is that currently no prior RCSP conviction can be used to enhance RCSP-MV and your bill will resolve this issue and provide us with more appropriate charges. Thank you for taking up this important legislation.

Sincerely,

Dennis Doherty, Lead Prosecuting Attorney  
Prosecutor's Auto Theft Unit

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